



COMMONWEALTH of VIRGINIA

Department for the Aging

Jay W. DeBoer, J.D., Commissioner

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COMMONWEALTH of VIRGINIA
Department for the Aging
Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: E. Janet Riddick, Director
Center for Elder Rights

DATE: May 3, 2005

SUBJECT: STATE AGENCY MEDICARE MODERNIZATION ACT (MMA) TRAINING

Secretary Jane Woods will be offering training on the MMA prescription drug benefit on Wednesday, May 18, 2005. The training is intended for agencies (both contractors and community partners) that have direct contact with Medicare beneficiaries, and who will provide information and assistance to beneficiaries on selecting and enrolling in a prescription drug plan and applying for low income assistance.

The training will be by videocast at 29 Virginia Department of Health sites around the state. Information on site locations and registration material will be forwarded to you **as soon** as it is available (expected this week.) We look forward to many of your AAA staff joining us on May 18th.

COMMONWEALTH of VIRGINIA
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Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: Executive Directors
Area Agencies on Aging

FROM: Tim M. Catherman
Deputy Commissioner, Support Services

DATE: May 3, 2005

SUBJECT: Virginia Aging and AoA in the News

Below are Virginia Aging or AoA related articles that have occurred since last week's Tuesday E-mailing. These links do not require a paid service; however, some (like the Washington Post, etc.) ask a brief survey or registration. Please note some links are time sensitive and can change daily. Some articles may be editorial and/or political. Links are presented 'as is'.

If you are aware of additional articles, please e-mail me a link for inclusion next week.

VDA in the News[Seniors in Augusta County to get fresh veggie break](#)

Virginia Farm Bureau (press release) - Richmond, VA

... in the mail, each worth \$5. Recipients have been identified by the Virginia Department for the Aging. The checks can be spent only ...

Virginia AAAs In the News[MEOC aims for \\$1.5 million Sunday](#)

Coalfield Progress - Norton, VA,

... The University of Virginia's College at Wise always ... are always participants from Mountain Empire Community College ... winter's bills for senior citizens," she said ...

[Agency on aging to get money added to budget](#)

Lynchburg News and Advance - Lynchburg, VA

Central Virginia Area Agency on Aging's tight budget will get a bit of a reprieve ... The formula will not go into effect for the coming fiscal year - 2005-06. ...

Virginia Aging and AoA in the News

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[Project Lifesaver Helps Albemarle County Sheriff Track Missing ...](#)

WCAV - Charlottesville, VA

... Robb has teamed up with the Alzheimer's' Association and the Jefferson Area Board for Aging to find people who need this technology, and get it to them with a ...

COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Executive Directors
 Area Agencies on Aging

FROM: Ellen M. Nau, Human Services Program Coordinator

DATE: May 3, 2005

SUBJECT: Limited English Proficiency Clients

During my monitoring visits this year, I have investigated Area Agency on Aging Outreach to Limited English Proficiency clients. Area Agency staffs have noted the increase in the Hispanic population throughout the state. Many Mexican immigrants are among the Hispanic population. It is questionable as to how many elderly Mexicans are among this group but we can perhaps expect an increase in this population as workers bring their families to the United States. For your information, I have listed some parishes that offer a service in Spanish. This may indicate to you that there is a significant Hispanic population in your planning district. This information does not include the Northern Virginia area.

Bristol	St. Anne	276-669-8200
Cape Charles	St. Charles	757-331-1724
Charlottesville	Church of the Incarnacion	434-973-4381
Clarksville	St. Catherine of Siena	434-374-8408
Danville	Sacred Heart	434-792-9456
Hampton	St. Joseph	747-851-8800
Harrisonburg	Blessed Sacrament	540-434-4341
Highland Springs	St. John	804-737-8028
Lovingston	St. Mary	434-263-8509
Lynchburg	Holy Cross	434-846-5245
Marion	St. John	276-783-7282
Martinsville	St. Joseph	276-638-4779
Newport News	Our Lady of Mount Carmel	757-595-0385
Norfolk	Holy Trinity	757-480-3433
Norton	St. Anthony	276-679-2336
Onley	St. Peter the Apostle	757-787-4592

Limited English Proficiency Clients
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Petersburg	Sacred Heart	804-732-6385
Portsmouth	Holy Angels	757-485-2142
Richmond	Sacred Heart	804-232-8964
Richmond	St. Augustine	804-275-7962
Roanoke	St. Gerard	540-343-7744
South Hill	Good Shepherd	434-447-3622
Tappahanock	St. Timothy	804-443-2760
Virginia Beach	St. Gregory	757-497-8330
Virginia Beach	St. Luke	757-427-5776
Woodlawn	St. Joseph	276-236-7814

If your agency has any information on other sources of services to Limited English Proficiency Persons, please email me at Ellen.Nau@vda.virginia.gov. Periodically, I will provide listings of these service providers. At the recent VAIRS/Department of Aging training, presentations by Angie Carrera, Fairfax County's Language Access Coordinator and Cathy Brown, Outreach Manager, Bilingual & Referral Center of the United Way of Greater Richmond and Petersburg proved very informative in providing information on translation and interpretation services and Hispanic culture. May 5th marks the major Mexican holiday celebrated in both the Mexico and the U.S.

The holiday of **Cinco De Mayo**, The 5th of May, commemorates the victory of the Mexicans over the French army at the Battle of Puebla in 1862. Led by Mexican General Ignacio Zaragoza Seguín, a small, poorly armed militia estimated at 4,500 men was able to stop and defeat a well-outfitted French army of 6,500 soldiers. It is not, as many people think, Mexico's Independence Day, which is actually September 16. It was not until 1867 that French control of Mexico ended, but the Battle of Puebla was a valiant effort in the Mexican resistance of French rule. After the conclusion of the American Civil War, Union forces under General Phil Sheridan were sent to the Mexican border. General Sheridan was charged with making sure that Mexican forces received the weapons and ammunition they needed to expel the French. American soldiers were discharged from the Union Army with their uniforms and rifles if they promised to fight the French. The American Legion of Honor marched in the Victory Parade in Mexico City.

Cinco De Mayo was originally a regional holiday celebrated in the Mexican state capital city of Puebla and throughout the state of Puebla. Today, it is also celebrated in other parts of the country and in U.S. cities with a significant Mexican population. The holiday has become a celebration of Mexican culture, and of food and beverage unique to Mexico.

COMMONWEALTH of VIRGINIA
Department for the Aging
Jay W. DeBoer, J.D., Commissioner

MEMORANDUM

TO: AAA Directors

FROM: Bill Peterson, Deputy Commissioner

DATE: May 3, 2005

SUBJECT: **Policy Guidance from the Office for Civil Rights Regarding the Prohibition of Discrimination Against Persons with Limited English Proficiency**

Attached are two items: 1) A letter from Josefina Carbonell regarding new policy guidance from the Office for Civil Rights on the prohibition against national origin discrimination as it impacts folks with limited English proficiency (this prohibition effects all organizations who receive federal funding), and 2) Guidance from the Office for Civil Rights.

The guidance reiterates the requirement that persons who do not speak English as their primary language may be eligible to receive special assistance with respect to understanding and applying for services or benefits.

The Older Americans Act, Section 306(a)(4)(B)(i)(V), states, the area agency on aging will [provide assurances to] use outreach efforts that will identify individuals eligible for assistance under this Act, with special emphasis on... older individuals with limited English speaking ability.

Also, the Older Americans Act, Section 307(a)(14), states, the [state] plan shall provide assurances that, if a substantial number of the older individuals residing in any planning and service area in the State are of limited English speaking ability, then the State will require the area agency on aging for each such planning and service area (A) to utilize in the delivery of outreach services under section 306(a)(2)(A), the services of workers who are fluent in the language spoken by a predominant number of such older individuals who are of limited English-speaking ability; and (B) to designate an individual employed by the area agency on aging, or available to such area agency on aging on a full time basis, whose responsibilities will include (i) taking such action as may be

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**Policy Guidance from the Office for Civil Rights Regarding the Prohibition of
Discrimination Against Persons with Limited English Proficiency
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appropriate to assure that counseling assistance is made available to such older individuals who are of limited English speaking ability in order to assist such older individuals in participating in programs and receiving assistance under this Act; and (ii) providing guidance to individuals engaged in the delivery of supportive services under the area plan involved to enable such individuals to be aware of cultural sensitivities and to take into account effectively linguistic and cultural differences.

Attachments

Department of Health and Human Services
Administration on Aging

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Civil Rights

Dear Colleague from the Assistant Secretary for Aging transmitting Summary of Revised HHS Policy Guidance

September 26, 2003

Dear Colleague:

I wish to inform you that on August 8, 2003 the U.S. Department of Health and Human Services (HHS) published in the Federal Register a revised policy guidance on the prohibition against national origin discrimination as it affects individuals with limited English proficiency (LEP). This guidance reiterates that Executive Order 13166 and further guidance issued do not create new obligations, but rather clarify existing responsibilities under Title VI of the Civil Rights Act of 1964. The guidance is effective immediately and I am asking you to make the enclosed summary available to providers of services who receive federal funds.

I wish to remind you that section 307(a)(14) of the Older Americans Act as redesignated by the reauthorization of 2000 (OAA) provides for significant plan assurances if a substantial number of older individuals residing in any planning and service area in the State are of limited English-speaking ability; and that OAA section 321(a)(3) authorizes the use of Title III funds for language translation services.

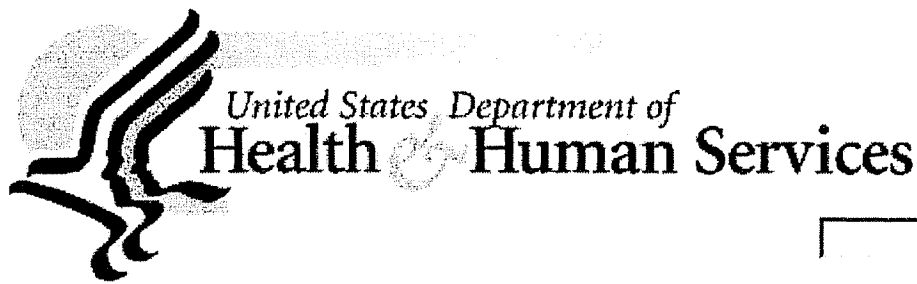
The guidance in the Federal Register may be found on the AoA Web site at http://www.aoa.gov/prof/civil_rights/LEP/lep.asp, with links to the Web site of the HHS Office for Civil Rights at <http://www.hhs.gov/ocr/lep/>, to <http://www.lep.gov/>, and other resources.

I shall be most interested in your views and in your plans to eliminate any practices that may have a disproportionate effect on individuals with limited English proficiency and to implement provisions to assure that these individuals will not be denied equal access to services.

Sincerely,

Josefina G. Carbonell
Assistant Secretary for Aging
Enclosure

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Office for Civil Rights

Guidance to Federal Financial Assistance Recipients Regarding Title VI and the Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons - Summary

The U.S. Department of Health and Human Services has published revised Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient (LEP) Persons. The Revised LEP Guidance is issued pursuant to Executive Order 13166. It is effective immediately and replaces the Guidance issued August 30, 2000. You can print out a copy of the Guidance from OCR's website at <http://www.hhs.gov/ocr/lep> or contact one of the OCR Regional Offices listed below.

LEGAL AUTHORITY

Title VI and Department of Health and Human Services regulations, 45 C.F.R. Section 80.3(b)(2), require recipients of Federal financial assistance from HHS to take reasonable steps to provide meaningful access to Limited English Proficient (LEP) persons. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of HHS assistance may include hospitals, nursing homes, home health agencies, managed care organizations, universities and other entities with health or social service research programs, State, county, and local health agencies. It may also include State Medicaid agencies, State, county, and local welfare agencies, programs for families, youth, and children, Head Start programs, public and private contractors, subcontractors, and vendors, and physicians and other providers who receive Federal financial assistance from HHS.

DEFINITION OF LIMITED ENGLISH PROFICIENT INDIVIDUALS

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English may be LEP and may be eligible to receive language assistance with respect to the particular service, benefit, or encounter.

FACTORS USED TO DETERMINE THE TITLE VI OBLIGATION TO ENSURE MEANINGFUL ACCESS FOR LEP PERSONS

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. The Guidance explains that the obligation to provide meaningful access is fact-dependent and starts with an individualized assessment that balances four factors: (1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come into contact with the program; (3) the nature and importance of the program, activity or service provided by the recipient to its beneficiaries; and (4) the resources available to the grantee/recipient and the costs of interpretation/translation services. There is no "one size fits all" solution for Title VI compliance.

with respect to LEP persons, and what constitutes "reasonable steps" for large providers may not be reasonable where small providers are concerned.

USE OF FAMILY MEMBERS AND FRIENDS

Some LEP persons may feel more comfortable when a trusted family member or friend acts as an interpreter. When an LEP person attempts to access the services of a recipient of federal financial assistance, who upon application of the four factors is required to provide an interpreter, the recipient should make the LEP person aware that he or she has the option of having the recipient provide an interpreter for him/her without charge, or of using his/her own interpreter. Recipients should also consider special circumstances that may affect whether a family member or friend should serve as an interpreter, such as whether the situation is an emergency, and whether there are concerns over competency, confidentiality, privacy, or conflict of interest. Recipients cannot require LEP persons to use family members or friends as interpreters.

VITAL DOCUMENTS

Recipients can use the four factor analysis described above to determine if specific documents or portions of documents should be translated into the language of the various frequently-encountered LEP groups eligible to be served and/or likely to be affected by the recipient's program. Recipients should assess whether specific documents or portions of documents are "vital" to the program, information, encounter, or service involved and the consequences to the LEP person if the information in question is not provided accurately or in a timely manner. As with the LEP Guidance of other Federal agencies, the HHS Guidance provides recipients with a "safe harbor" that, if undertaken, will be considered strong evidence that the recipient has satisfied its written translation obligations.

INTERPRETER/TRANSLATOR COMPETENCE

The Guidance provides additional guidance on what to consider in determining interpreter and translator competency in particular contexts.

ELEMENTS OF AN EFFECTIVE LANGUAGE ASSISTANCE PLAN

If, after completing the four-factor analysis, a recipient determines that it should provide language assistance services, a recipient may develop an implementation plan to address the identified needs of the LEP populations it serves. Recipients have considerable flexibility in developing this plan. The Guidance provides five steps that may be helpful in designing such a plan: (1) identifying LEP individuals who need language assistance; (2) language assistance measures (such as how staff can obtain services or respond to LEP callers); (3) training staff; (4) providing notice to LEP persons (such as posting signs); and (5) monitoring and updating the LEP plan.

VOLUNTARY COMPLIANCE EFFORT

The Office for Civil Rights and HHS are committed to assisting recipients of HHS financial assistance in complying with their obligations under Title VI of the Civil Rights Act of 1964. HHS is committed to engaging in outreach to its recipients and to being responsive to inquiries from its recipients. HHS provides a variety of practical technical assistance to recipients to assist them in serving LEP persons so they are in compliance with the Title VI regulations. The requirement to provide meaningful access to LEP persons is enforced and implemented by the HHS Office for Civil Rights through the procedures identified in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

FOR MORE INFORMATION

Anyone who believes that he/she has been discriminated against because of race, color or national origin may file a complaint with OCR within 180 days of the date on which the discrimination took place. The OCR Regional Offices are listed below:

Region I - CT, ME, MA, NH, RI, VT Office for Civil Rights U.S. Department of Health & Human Services JFK Federal Building - Room 1875 Boston, MA 02203 (617) 565-1340; (617) 565-1343 (TDD) (617) 565-3809 FAX	Region VI - AR, LA, NM, OK, TX Office for Civil Rights U.S. Department of Health & Human Services 1301 Young Street - Suite 1169 Dallas, TX 75202 (214) 767-4056; (214) 767-8940 (TDD) (214) 767-0432 FAX
Region II - NJ, NY, PR, VI Office for Civil Rights U.S. Department of Health & Human Services 26 Federal Plaza - Suite 3313 New York, NY 10278 (212) 264-3313; (212) 264-2355 (TDD) (212) 264-3039 FAX	Region VII - IA, KS, MO, NE Office for Civil Rights U.S. Department of Health & Human Services 601 East 12th Street - Room 248 Kansas City, MO 64106 (816) 426-7278; (816) 426-7065 (TDD) (816) 426-3686 FAX
Region III - DE, DC, MD, PA, VA, WV Office for Civil Rights U.S. Department of Health & Human Services 150 S. Independence Mall West - Suite 372 Philadelphia, PA 19106-3499 (215) 861-4441; (215) 861-4440 (TDD) (215) 861-4431 FAX	Region VIII - CO, MT, ND, SD, UT, WY Office for Civil Rights U.S. Department of Health & Human Services 1961 Stout Street - Room 1426 Denver, CO 80294 (303) 844-2024; (303) 844-3439 (TDD) (303) 844-2025 FAX
Region IV - AL, FL, GA, KY, MS, NC, SC, TN Office for Civil Rights U.S. Department of Health & Human Services 61 Forsyth Street, SW. - Suite 3B70 Atlanta, GA 30323 (404) 562-7886; (404) 331-2867 (TDD) (404) 562-7881 FAX	Region IX - AZ, CA, HI, NV, AS, GU, The U.S. Affiliated Pacific Island Jurisdictions Office for Civil Rights U.S. Department of Health & Human Services 50 United Nations Plaza - Room 322 San Francisco, CA 94102 (415) 437-8310; (415) 437-8311 (TDD) (415) 437-8329 FAX
Region V - IL, IN, MI, MN, OH, WI Office for Civil Rights U.S. Department of Health & Human Services 233 N. Michigan Ave. - Suite 240 Chicago, IL 60601 (312) 886-2359; (312) 353-5693 (TDD) (312) 886-1807 FAX	Region X - AK, ID, OR, WA Office for Civil Rights U.S. Department of Health & Human Services 2201 Sixth Avenue - Mail Stop RX-11 Seattle, WA 98121 (206) 615-2290; (206) 615-2296 (TDD) (206) 615-2297 FAX

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